

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIETTA BRISCOE, on behalf of herself and others similarly situated,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR NEW CENTURY NCNET 2005-C, N.A.,

Defendants.

Case No. 08 C 1279

Judge James B. Zagel

Mag. Judge Michael T. Mason

MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, IN ITS INDIVIDUAL CAPACITY, AND DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

Deutsche Bank National Trust Company (“DBNTC, in its individual capacity”) and Deutsche Bank National Trust Company, as trustee for New Century NCNET 2005-C, N.A. (“DBNTC, as trustee”), hereby move this Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff’s First Amended Complaint (the “FAC”) with prejudice. DBNTC, in its individual capacity, and DBNTC, as trustee, submit the accompanying Memorandum in Support of their Motion to Dismiss Plaintiff’s FAC.

WHEREFORE, DBNTC, in its individual capacity, and DBNTC, as trustee, respectfully request that this Court enter an Order dismissing Plaintiff’s FAC with prejudice, and for any other relief that the Court deems just and proper.

Dated: August 7, 2008

Respectfully submitted,

**DEUTSCHE BANK NATIONAL TRUST
COMPANY and DEUTSCHE BANK
NATIONAL TRUST COMPANY, as trustee**

By: /s/ Kevin B. Dreher

One of Their Attorneys

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Trust Company and Deutsche Bank National
Trust Company, as trustee